

CITY OF ALAMO HEIGHTS
CITY COUNCIL
April 13, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, April 13, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Jill Souter
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brenan
Assistant City Manager/Public Works Director Shawn P. Eddy
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper opened the meeting at 5:36 p.m.

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Mayor Cooper announced that Item #7 was postponed until the May 11, 2009 City Council meeting.

Item # 7 **A request for a Demolition Permit for 233 Wildrose Avenue by Emery Lee Delavan Jr., owner, represented by John Grable, FAIA, to demolish the existing two-story detached two-car garage for the purpose of constructing a one-story detached two-car garage with breezeway on a property zoned Single Family – A**

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Mayor Cooper announced that Item # 3, the City Manager's Report, was being moved up to the beginning of the agenda.

Item # 3 City Manager's Report

- a. Texas Cavaliers invite Alamo Heights residents to meet King Antonio LXXXVII at the Alamo Heights Pool, April 19, 1:30 – 3:00 p.m.

Community Development Director Ann McGlone introduced King Antonio Elect LXXXVII, Stephen Brooks Cavender of the Texas Cavaliers. Mr. Cavender greeted and invited the community to come to the Alamo Heights Pool on Sunday, April 19, 2009 from 1:30 p.m. – 3:00 p.m. to celebrate the start of Fiesta.

Mayor Cooper presented King Antonio with the City of Alamo Heights' first Fiesta medal, based on the "Looking Ahead" theme of the Comprehensive Plan. Ms. McGlone distributed medals to the City Councilmembers, Staff, and members of the audience.

- b. Comprehensive Plan Update

Ms. McGlone presented a schedule to the City Council. It included work sessions, neighborhood meetings, and public hearings. Neighborhood meetings are scheduled on April 28th through April 30th. The Comprehensive Plan is scheduled for public hearings at the Planning and Zoning Commission meeting on May 4th and City Council meeting on May 11th, and for action by the Planning and Zoning Commission on May 18th and City Council on May 26, 2009.

- c. Employee Recognition and Holiday Banquet Donations

City Manager Rebecca Waldman addressed questions which had been raised regarding donations for the annual Employee Recognition and Holiday Banquet. Ms. Waldman provided an overall history of the event and how the event was funded. Ms. Waldman stated that future funding of the actual banquet expenses will be incorporated in the budget process. To continue the tradition, City Council members, executive staff, and citizens will be asked to make contributions for door prizes.

- d. Employee Leave Donations

Ms. Waldman responded to citizens' questions about an employee leave donation program. An Employee Leave Donation Program was considered last year during the update of the Employee Manual. However, more research was needed regarding possible tax implications, administrative considerations and other issues. Ms. Waldman stated that the Human Resources Manager is currently reviewing other cities' policies and will be making recommendations to consider updates this year for the Employee Manual. Ms. Waldman clarified that no employees had ever asked her if they could donate leave to another employee. Ms. Waldman concluded that citizens are welcome to contact her directly with any concerns or issues.

(A copy of this report, specifically on Items C and D are made part of the official papers of this meeting).

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Mayor Cooper asked City Council for any corrections to the minutes of the March 23, 2009, City Council Meeting. A motion was made by Councilman Stan McCormick to approve the minutes of March 23, 2009 as amended. The motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

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Citizens To Be Heard Concerning Non-Agenda Items

Margaret Houston, 140 Patterson Avenue, inquired as to the name of the resident who donated \$25.00 to the Employee Recognition and Holiday Banquet and if they were solicited by letter. Ms. Judie Surratt, Human Resources Manager and Deputy City Secretary, responded that it was Jim and Peggy Collins who made the donation \$25.00 and they specifically requested the donation to be for the Employee Recognition and Holiday Banquet. Ms. Surratt added that no letter was sent to the Collins but they had contacted the City on how to donate.

Sarah Reveley, 436 Corona Avenue, recommended establishing Albert Earl Plaza into a memorial park. She offered suggestions on establishing the memorial park and stated that the Alamo Heights Optimist Club offered to make park improvements. She shared her vision of adding a memorial for Paula Loyd and Officer Angel Acuna. She also shared information of the neglected bicentiennial historical markers and recommended that the City of Alamo Heights adopt a historical marker.

Margaret Spencer, 140 Patterson Avenue, spoke positively about having the cost of an Employee Recognition and Holiday Banquet budgeted in the upcoming budget.

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Public Hearing – Time Certain 5:30 p.m.

Item # 4 Mayor Cooper opened the public hearing at 6:12 p.m. and read the following caption.

ORDINANCE NO. 1817

AN ORDINANCE AUTHORIZING THE ADOPTION OF A NEW CHAPTER 13 OF THE CITY CODE OF ORDINANCES TITLED STORM DRAINAGE, ADOPTING CHAPTER 402, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARING THE DRAINAGE OF THE CITY TO BE A PUBLIC UTILITY, CREATING A STORMWATER FUND, PROHIBITING CERTAIN DISCHARGES INTO THE MUNICIPAL STORM DRAINAGE

SYSTEM AND ESTABLISHING STORMWATER COMPLIANCE FOR CONSTRUCTION ACTIVITY

Assistant City Manager/Public Works Director Shawn Eddy opened the discussion item with a Powerpoint presentation summarizing the proposed stormwater drainage ordinance. The presentation included an ordinance schedule, publication information and a stormwater development fee.

Mr. Eddy stated that Items # 4 and # 5 needed to be addressed concurrently to meet code requirements. Item # 4 creates a new chapter of the City Code, declares the drainage of the city to be a public utility, creates a stormwater fund, prohibits certain discharges into the municipal storm drainage system and establishes stormwater compliance for construction activity. Item # 5 amends an article of the new chapter to create a stormwater development fee.

Mayor Pro Tem Jill Souter asked if this action should wait until the Comprehensive Plan was presented to City Council. Mayor Pro Tem Souter expressed concern that this ordinance could conflict with future changes to other parts of the City Code that may be recommended by the Comprehensive Plan. She expressed concerns related to Floor Area Ratio (FAR) and unintended consequences, such as creating a fee that might encourage building a two-story structure instead of a one-story. Community Development Director Ann McGlone stated that the proposed stormwater development fee was not likely to encourage unwanted development and that it could be modified if and when other code changes recommended by the Comprehensive Plan are adopted.

Mayor Pro Tem Souter recommended adding enforcement of the Federal law for Section 13-106 (Enforcement Procedures) as stated in Section 13-104 (Additional Federal and State requirements generally applicable to parties associated with five acre or larger projects). Mr. Eddy stated that Section 13-106 is from the State code but will doublecheck if Federal enforcement needs to be added in Section 13-106. Mr. Eddy also stated that included in Section 13-104 are requirements applicable for five acres or larger, which may not be applicable in the City of Alamo Heights.

Councilman Stan McCormick asked what the plan is for addressing water that is located in the streets. Mr. Eddy stated that he will be working with Ms. McGlone along with other authorities (San Antonio River Authority, Bexar County) to develop both local and regional projects. Mr. Eddy discussed the differences between stormwater management in the public realm and stormwater management in the private development realm. Mr. Eddy also stated that storm drainage is a regional issue that requires the cooperation of a variety of entities to improve.

Councilman Bill Kiel acknowledged the drainage problem and reminded the Council that the stormwater ordinance has been mandated by the State of Texas. He further stated that the City of Alamo Heights needs to implement a stormwater plan as other municipalities are doing.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, expressed concern that that stormwater ordinance was not publicized in a timely manner and was not available to the public.

Mr. Eddy offered to send Ms. Houston a copy of the ordinance that was published for three consecutive weeks in the *North San Antonio Times*.

Lissa Martinez, 700 Alta Avenue, commented on how trash is frequently found in the basin area. She emphasized that the stormwater drainage ordinance is fundamental and that other municipalities have a storm drainage plan. She stated that now is the time for the community to work together to implement a stormwater drainage plan to improve the City's drainage system.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Kiel and passed by unanimous vote.

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Item # 5 Mayor Cooper read the following caption.

ORDINANCE NO. 1818

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 13 OF THE CITY CODE OF ORDINANCES TITLED STORM DRAINAGE TO CREATE A STORMWATER DEVELOPMENT FEE

Mayor Cooper opened the public hearing item at 7:13 p.m. Mr. Eddy discussed the adoption of a stormwater development fee equivalent to a one-time fee of \$.40 per square foot of impervious cover (excluding public sidewalks) added to a property during development. A discussion of the fee was included in the Presentation as part of Item No. 4.

Mr. Eddy stated that the funds generated from the stormwater development fee may only be used for stormwater related issues. The stormwater development fee is anticipated to generate approximately \$2,000 per year.

The following citizens spoke on this matter:

John Joseph, 206 Joliet Avenue, questioned the frequency of the development fee and any exemptions.

Mr. Eddy addressed that it is a one-time fee to developers and that only City property would realistically be exempt from the fee. Mr. Eddy also stated that colleges and universities are exempt from stormwater fees by state law.

Councilman McCormick asked how the development fee might be handled in the future, will it increase and what control or input requires for a fee change. Mr. Eddy replied that it would need to be approved by the City Council.

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

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Consent Items

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1819

AN ORDINANCE AMENDING CHAPTER 8 FOOD AND FOOD ESTABLISHMENTS OF THE CITY OF ALAMO HEIGHTS CODE OF ORDINANCES BY REVISING ARTICLE 1 SECTION 8-5

Councilwoman Harwell asked about the proposed changes and if there was a personnel change to our current City Health Inspector. City Attorney Mike Brennan clarified that the City of Alamo Heights no longer has a City Engineer. The proposed change allows the City Manager to appoint a City Health Inspector, thus revising the code to fit the present conditions and to be consistent with the City Charter.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

Community Development Director Ann McGlone stated we currently have a City Health Inspector under contract.

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Mayor Cooper once again announced that Item #7 was postponed until the May 11, 2009 City Council meeting.

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Items for Individual Consideration

Item # 8 Mayor Cooper read the following caption.

A request for a Demolition Permit for 115 Circle Street by James and Amie Bunch, owners, to demolish the existing one-story detached two-car garage for the purpose of constructing a one and a half-story detached two-car garage on a property zoned Multi Family – D.

Community Development Director Ann McGlone made a PowerPoint presentation that included photos, an existing site plan and a proposed site plan. The Board of Adjustment granted a variance for the structure. Ms. McGlone advised City Council that staff recommended approval.

James “Wes” Bunch, owner, 115 Circle Street, stated that he visited with his neighbors to discuss the proposed plan.

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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Staff Reports

Item #9 Mayor Cooper read the following caption.

Capital Improvement Program Update

Assistant City Manager/Public Works Director Shawn P. Eddy presented a PowerPoint presentation which included the status of all the current projects in both the General Fund and the Utility fund earmarked for the Capital Improvement Program (CIP).

Mr. Eddy provided an update to the CIP schedule and reported that there will be a few projects on which the City of San Antonio and the City of Alamo Heights will be working together. During this process, the City of Alamo Heights will be conducting a competitive sealed proposal process using the City of San Antonio’s evaluation criteria to select a general contractor.

Councilwoman Harwell expressed concern for allowing pedestrians to cross on Castano Avenue and N. New Braunfels Avenue. She also suggested that having a left turning lane at North New Braunfels Avenue and Castano Avenue would be significant. Mr. Eddy said the he would coordinate that request to the City of San Antonio as they own the right of way on N. New Braunfels Avenue north of Austin Highway.

Mr. Eddy informed the City Council that during the engineer’s design of the water lines on Broadway and N. New Braunfels Avenue, it was discovered that a number of water and sewer lines within Alamo Heights run parallel to each other and do not meet the current Texas Commission on Environmental Quality (TCEQ) regulations. In order to proceed with the proposed capital projects, TCEQ required the City to apply for an exception to the regulations and submit a plan to address the compliance issues. Mr. Eddy stated that staff and engineers have developed a 10-year Water Compliance Plan to comply with TCEQ. The construction cost of relocating the water lines would be approximately \$400,000 per year over ten years. Currently, TCEQ is reviewing the plan and considering the exception.

There was an in-depth discussion among the City Councilmembers regarding the estimated cost to be compliant, timing of the issue, and the recommendation of relocating the water and sewer lines. Several Councilmembers expressed frustration that this issue had not been presented to the City Council prior to an application being submitted to the TCEQ. Some of the Councilmembers also questioned the interpretation of the TCEQ rules and why the engineer had contacted the TCEQ prior to briefing the City on the implications of those actions.

Councilman Kiel recalled a major water leak in Mayor Pro Tem Souter's alley, Wildrose Avenue and along N. New Braunfels. Both the water and sewer lines were located near each other and that there was risk of cross-contamination. He emphasized the importance to comply with the mandated TCEQ's regulations.

Mayor Pro Tem Souter asked Richard Kelly, Engineer and Project Manager with Freese and Nichols, Inc., if there are barriers, sleaving, alternative piping types or other options that could be presented to TCEQ. Mr. Kelly responded that all options were considered but they still do not meet the requirements of TCEQ. Mr. Kelly also noted that their engineering staff regularly contacts the TCEQ for interpretations or guidance in following the state codes. Mayor Pro Tem Souter wanted reassurance that there were no technical alternatives and all avenues were considered before the 10-year plan is submitted.

Councilwoman Harwell expressed concern about the impact that moving the water meters from the back of residences to the front would have on the residents in the affected areas. Mayor Pro Tem Souter and Councilwoman Harwell expressed concern regarding potential damage to electrical lines, trees, tree roots, pools, sprinkler systems and damage to streets.

Mr. Eddy explained that the new service line would generally fit within a narrow trench, could be rerouted to avoid trees and would most likely be bored under driveways or where otherwise necessary. Mr. Eddy also noted that the installation of the new water lines would eliminate several dead-end mains in the same areas currently caused by the installation of fire hydrants. Mayor Pro Tem Souter asked Mr. Eddy who would be responsible for repairing new lines within private property. Mr. Eddy stated that the decision would be the City Council to guarantee the lines, similar as the water meters.

There was discussion among the City Councilmembers on how to proceed with TCEQ and if there were other options that would be in compliance with TCEQ regulations. The City Councilmembers agreed that other options should be fully explored while awaiting TCEQ's response. Councilmen Rosenthal and McCormick discussed whether options might be available to the City or its efforts to deal with TCEQ, and in particular, whether other third party/legal consultants or advisors might assist the City in this continuing process. Councilwoman Harwell suggested for Governance and Communication Committee to address the issue with TCEQ.

City Manager Rebecca Waldman addressed the City Councilmembers regarding the research and the findings that the staff and the consultants have prepared. She stated that other options have been considered and that this presentation was an update to inform the City Councilmembers about the coordination with the TCEQ in order to proceed with the CIP.

Margaret Houston, 140 Patterson Avenue, expressed concern about the relocation of the water and sewer lines, potential funding implications and lack of communication to other Councilmembers and residents.

Councilman Kiel replied to Ms. Houston that there are restrictions placed on Council by the Open Meetings Act and this will be addressed at the Wednesday, April 15th Work Session. There are two City Councilmembers on each council committee, but Councilmembers cannot share information with each other until all are present in an open meeting. Councilmembers agreed that there needs to be better communication.

Councilmember Harwell suggested that the council look for ways to share basic committee information at the Wednesday, April 15th Work Session. The TCEQ issue is a health and safety issue, but ultimately it is a water issue. Are we as a city going to control our own water destiny? The city must consider its water destiny and protect this most incredible resource.

John Joseph, 206 Joliet, asked about the original cost of the water tower at the time the bonds were issued and why the "4/2 rule" would not work in addressing TCEQ's regulations.

Mr. Eddy apologized to those City Councilmembers that felt that they should have been briefed about the issue sooner, but noted that staff had been working closely with the engineers and the Infrastructure and Services Committee to explore all potential resolutions to the problem and present its recommendation to the City Council. In addition, he responded to Mr. Joseph that the total cost of the 600,000 gallon water tower was a total cost of \$2.6 million, nearly double what was originally estimated when the Certificates of Obligation were sold. He also stated that the "4/2 rule" would not be applicable here due to the shallow depth of the main sewer line located along N. New Braunfels, which belongs to San Antonio Water System.

Councilman Rosenthal stated that the municipality has the appropriate staff involved and a sufficient amount of thorough research is required to present an item.

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Closed Session

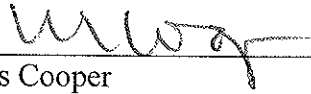
At 9:15 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

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Mayor Cooper reconvened the regular meeting at 10:03 p.m. There was no action taken during the closed session.

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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilman McCormick made a motion to adjourn, seconded by Councilwoman Harwell and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 10:04 p.m.



Louis Cooper
Mayor

Jennifer Reyna, TRMC
City Secretary